

**REMARKS**

In the Office Action dated November 2, 2006, the rejections of claims 1-6 were maintained, the Examiner stating that it is reasonable to interpret the four generally rectangular lateral walls in claim 1 as including two of the sidewalls, plus the top and the bottom, in the references relied upon by the Examiner. Applicant expected that the Examiner might take this position, and therefore in Applicant's Response filed on August 15, 2006, Applicant added claim 12, stating that the four lateral walls are of equal height, thereby explicitly precluding such an interpretation with regard to claim 12.

Despite making the last Office Action a Final Rejection, however, the Examiner did not even treat claim 12 on the merits. Applicants therefore respectfully submit it was improper for the Examiner to make an action a Final Action, which does not treat all of the pending claims on the merits. Moreover, the subject matter of claim 12 has now been included in claim 1, and therefore the Examiner's underlying premise regarding the interpretation of the lateral walls in that claim is not applicable to amended claim 1, just as it would not have been applicable to claim 12, had the Examiner considered that claim in the last Office Action.

Claims 7-11 were state to be allowable, with the exception of minor informalities in claims 8 and 9, which have been corrected.

Applicant submits that the since the present Amendment merely rewrites a claim in independent form that is clearly at odds with the Examiner's interpretation of the references, which the Examiner should have considered in responding to Applicant's previous response, the present Amendment does not raise new issues requiring further searching or consideration by the Examiner, and therefore the

present Amendment is properly enterable under the provisions of 37 C.F.R. § 1.116. If the Examiner disagrees, then withdrawal of finality of the rejection is requested, since it was solely due to an error on the part of the Examiner in not considering previously-submitted claim 12 that any new issues might possibly be raised by the present Response.

Submitted by,

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